

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-10 remain in this application as amended herein, and claims 11-18 are added. Accordingly, claim 1-18 are submitted for the Examiner's reconsideration.

In the Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Picco (U.S. Patent No. 6,029,045) in view of Togo (U.S. Patent No. 6,175,573). Applicant submits that the claims are patentably distinguishable over the cited references.

The Picco patent describes a set-top box that receives *transmitted data* from an antenna and which includes a first tuner that selects a programming data stream and a second tuner that downloads local content. A pair of splicers insert selected pieces of local content into the decoded video and audio data streams. (See Fig. 8; Col. 11, lns. 49-51; and Col. 13, lns. 1-8).

The Examiner contends that Picco teaches the first and second selecting units defined in claim 1 and refers to the splicers shown in Fig. 8. However, the splicers merely provide audio and video output for delivery to a television. (See Col. 12, lns. 23-30). Picco does not disclose or suggest a first splicer that outputs content to a *second splicer*.

The Togo patent does not remedy the deficiencies of Picco.

Neither Picco nor Togo discloses or suggests:

a first selecting unit having a first input operable to receive first content and a second input operable to receive second content, and being operable to select a given one of the first content and the second content as the first stream and to output another given one of the first content and the second content to a second selecting unit

as called for in claim 1.

Moreover, the splicers only insert *selected pieces of local content* into the video and audio data streams when a local

content space is detected in the programming data. (See Col. 14, lns. 44-49). Picco does not disclose or suggest selecting the local content and the video and audio data streams at the same time. Therefore, Picco does not disclose or suggest selecting first content as a first stream and selecting second content as a second stream until the first predetermined time, does not disclose or suggest selecting the second content as a second stream and selecting the first content as a second stream during an interval between the first predetermined time and the second predetermined time, and does not disclose or suggest again selecting the first content as the first stream and the second content as a second stream after the second predetermined time. The Togo patent does not remedy these deficiencies.

Neither Picco nor Togo discloses or suggests:

a control unit operable to control said first selecting unit to select the first content as the first stream until a first predetermined time, to select the second content as the first stream and to output the first content to said second selecting unit during an interval between the first predetermined time and a second predetermined time, and to again select the first content as the first stream after the second predetermined time; said control unit being further operable to control said second selecting unit to select the second content as the second stream until the first predetermined time, to select the first content received from said first selecting unit as the second stream during the interval between the first predetermined time and the second predetermined time, and to again select the second content as the second stream after the second predetermined time

as defined in claim 1.

Additionally, Picco describes multiplexing live programming and local content data feeds that are *not spliced together* for transmission (see Fig. 4; and Col. 6, lns. 45-50). Picco also describes splicing programming data and local content *for delivery to a television*. Picco does not disclose or suggest multiplexing a first stream and a second stream formed in the

manner defined in claim 1 *for delivery over a transmission channel*. The Togo patent does not remedy this deficiency.

It follows that neither Picco nor Togo, whether taken alone or in combination, discloses or suggests the multiplexing apparatus defined in claim 1, and claim 1 is patentably distinct and unobvious over the cited references.

Claims 2-4 depend from claim 1 and are distinguishable over Picco and Togo for at least the same reasons.

Independent claim 5 defines a method for multiplexing a first stream and a second stream that includes limitations similar to those set out in claim 1. It follows that claim 5 is patentably distinct and unobvious over Picco and Togo at least for the same reasons.

Independent claim 6 relates to a recording medium recorded with a computer readable program for carrying out the method defined in claim 5. At least for the same reasons, it follows that claim 6 is patentably distinct and unobvious over the cited references.

The Examiner also rejects claims 7-10 under 35 U.S.C. § 103 as being unpatentable over Picco. It is submitted, however, that the claims are patentably distinguishable over Picco.

As described above, the Picco patent describes *inserting selected pieces of local content* into video and audio data streams. The patent therefore describes that the spliced data stream first consists of video or audio data, then local content, and then further video or audio data. Picco does not disclose or suggest selecting a first stream of *first content* until a first predetermined time, a second stream of *the first content* during an interval between the first predetermined time and the second predetermined time, and again selecting the first stream of *the first content* after the second predetermined time.

Therefore, Picco neither discloses nor suggests:

a control unit operable to control said selecting

unit to select the first stream until a first predetermined time, to select the second stream during an interval between the first predetermined time and a second predetermined time, and to again select the first stream after the second predetermined time, the first stream being first content until the first predetermined time and after the second predetermined time and being second content during the interval between the first predetermined time and the second predetermined time, the second stream being the first content during the interval between the first predetermined time and the second predetermined time

as set out in claim 7.

Moreover, Picco describes that the local content is inserted into the audio and video data streams. The patent does not disclose or suggest output in which the same content is *continuously outputted*.

Picco does not disclose or suggest:

an output unit operable to output the selected one of the first stream and the second stream whereby the first content is continuously outputted

as recited in claim 7.

It follows that Picco neither discloses or suggests the apparatus defined in claim 7, and claim 7 is therefore patentably distinct and unobvious over Picco.

Claim 8 depends from claim 7 and, for at least the same reasons, is patentably distinguishable over Picco.

Independent claim 9 defines an image output method having limitations similar to those set out in claim 7. Therefore, for at least the same reasons, claim 9 is patentably distinct and unobvious over Picco.

Independent claim 10 recites a recording medium recorded with a computer readable program for carrying out the method defined in claim 9. Claim 10 is therefore patentably distinct and unobvious over Picco for at least the same reasons.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

New claim 11 depends from claim 1, new claims 12-15 depend from claim 5, new claim 16 depends from claim 7, and new claims 17-18 depend from claim 9. Therefore, new claims 11-18 are distinguishable over the cited references for at least the same reasons as their parent claims.

New claims 12 and 14-15 include limitations similar to those set out in claims 2-4, respectively, and new claim 17 includes limitations similar to those set out in claim 8. Therefore, new claims 12, 14-15 and 17 are similarly supported.

Support for new claims 11 and 13 is found, e.g., in Fig. 7 and in ¶ [0061] of the specification. Support for new claims 16 and 18 is found, e.g., in Fig. 8 and in ¶¶ [0077]-[0082] of the specification.

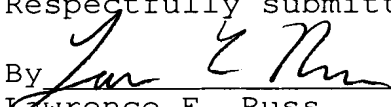
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By


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